

REPLY TO OFFICE ACTION
DATED APRIL 2, 2008

Appln. No. 10/532,318

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June 25, 2008

REMARKS

This is in reply to the Office Action dated April 2, 2008.
Reconsideration is respectfully requested.

Status of Claims

Claims 1-9, drawn to a collapsible toilet, are pending. Applicants acknowledge, with appreciation, that Claims 3-7 would be allowable if rewritten in independent form to include the recitations of their respective base claims and any intervening claims upon which they depend.

Claims 1, 2, 8 and 9 are rejected as anticipated by Japanese Patent Publication No. 10099236 to Katsuji.

The Traversal

Applicants contend respectfully that Katsuji fails to meet the criterion required to support a rejection on the basis of anticipation. Applicants' position is explained in the arguments presented below.

Claim 1

Claim 1 is drawn to a collapsible toilet comprising sidewalls connected to each other. Claim 1 recites, in relevant part:

"two opposite holding side walls having top edges to which two edges of an annular seat surface are joined respectively along respective fold-lines, and

supporting side walls connecting the holding side walls and having upper edges forming a supporting periphery that supports the seat surface".

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Katsuji does not teach a collapsible toilet having "supporting side walls connecting the holding side walls and having upper edges forming a supporting periphery that supports the seat surface" as recited in Claim 1. This can be shown by an examination of Figures 1 and 3 of Katsuji. In these figures, Katsuji shows opposite side walls 3 and 4. These may be considered to correspond to the "two opposite holding side walls" recited in Claim 1 because they are opposite to one another and, each side wall, 3 and 4, has attached to it a respective seat surface 31 and 41 at a respective fold line 3a and 4a. For the purposes of this argument, these seat surfaces 31 and 41 may be considered to correspond to the "annular seat surfaces" also recited in Claim 1. Logically then, side walls 1 and 2, shown in Figures 1 and 3 of Katsuji, may be considered to correspond to the "supporting side walls connecting the holding side walls" as recited in Claim 1 because they connect side walls 3 and 4.

However, Claim 1 also recites that the supporting side walls have "upper edges forming a supporting periphery that supports the seat surface". The supporting side walls 1 and 2 do not have an upper edge that supports the seat surface. Side wall 1 has a curved upper edge 1a which is above the level of the seat surfaces 31 and 41 as may be deduced from a comparison of Figures 1 and 4 of Katsuji. This curved surface positioned above the seat surfaces 31 and 41 cannot support the seat surfaces as recited in Claim 1. Similarly, side wall 2 has its own respective seat surface 21, as shown in Figures 1 and 3. The seat surfaces 31 and 41 do not overlap side wall 2, and it cannot be used therefore to support these seat surfaces as required by the recitation of Claim 1.

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To anticipate a claim, the reference must teach every element of the claim. Katsuji fails to meet this criterion because it fails to teach a collapsible toilet having "supporting side walls connecting the holding side walls and having upper edges forming a supporting periphery that supports the seat surface" as recited in Claim 1.

The seat surfaces 31 and 41 in Katsuji are supported not by other side walls, but by support panels 32 and 42 respectively, as shown in Figure 1. As shown in detail in Figure 2 for seat surface 31, the support panel 32 extends angularly from the seat surface 31 and is attached to the side wall 3. A similar configuration is used for seat surfaces 21 and 41 as shown in Figure 1. The configuration for supporting the seat surfaces in Katsuji is an entirely different structure from that recited in Claim 1, and therefore, Claim 1 cannot be anticipated by the structure disclosed in the cited reference.

Claims 2-9 depend, either directly or indirectly, on Claim 1. Each dependent claim incorporates all of the recitations of Claim 1 and therefore should be allowable over Katsuji for the same reasons that Claim 1 is allowable.

Summary

Applicants have shown that Katsuji fails to meet the criterion necessary to support a rejection of applicants' claims on the basis of anticipation because Katsuji does not teach every element of Claim 1 or, by logical extension, of any claims dependent on Claim 1. Applicants

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contend, therefore, that pending Claims 1-9 are allowable over the cited reference and request that the rejections be withdrawn and the application passed to issue.

Respectfully submitted,

SYNNESTVEDT & LECHNER LLP

By: 
John A. Chionchio
Reg. No. 40,954

1101 Market Street, Suite 2600
Philadelphia, PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2189

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